

**40.10. ADJUSTMENT****40.10.05. Purpose.**

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

**40.10.10. Applicability.**

An Adjustment may be requested only for numerical Site Development Requirements contained in Chapter 20 (Land Uses) and for Major Pedestrian Route Standards in the Regional Center zoning districts and the South Tektronix Station Community.

**40.10.15. Application.**

There are four (4) Adjustment applications which are as follows: Minor Adjustment, Minor Adjustment - All Regional Center zones and South Tektronix Station Community, Major Adjustment, and Major Adjustment - All Regional Center zones and in the South Tektronix Station Community.

**1. Minor Adjustment.**

A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:

1. Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses).
2. Involves up to and including a 10% adjustment from the numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.D.3 of this Code.

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Minor Adjustment. The decision making authority is the Director.

40.10.15.1.

- C. Approval Criteria. In order to approve a Minor Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Minor Adjustment application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. Special conditions exist which are unique to the land, structure, or building involved.
  4. Granting the adjustment will result in a project that equally or better meets the regulation to be modified.
  5. Granting the adjustment as part of the overall project will not obstruct pedestrian or vehicular movement.
  6. The adjustment will allow City designated scenic resources and historic resources, if present, to be preserved.
  7. If more than one (1) Minor Adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.
  8. Any Minor Adjustment granted shall be the minimum that will make possible a reasonable use of land, building, and structures.
  9. The proposal incorporates building, structure, or site design features or some combination thereof which compensate for adjusting the Site Development Requirement.
  10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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- D. Submission Requirements. An application for a Minor Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Minor Adjustment application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.



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**2. Minor Adjustment - All Regional Center zones and South Tektronix Station Community Major Pedestrian Routes.**

- A. Threshold. An application for Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be required when the following threshold applies:
1. Involves an adjustment of up to and including 25% of numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.B.3 or Section 20.20.60.E.3 of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. Granting the adjustment will equally or better meet the purpose of the District subarea requirement, standard or regulation to be modified.
  4. The proposal will be consistent with the desired character of the area.

## 40.10.15.2.C.

5. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the zone.
6. City-designated scenic resources and historic resources, if present, are preserved.
7. Any impacts resulting from the adjustment are mitigated to the extent practical.
8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

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**3. Major Adjustment.**

- A. Threshold. An application for Major Adjustment shall be required when one or more of the following thresholds apply:
1. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses).
  2. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.D.3 of this Code.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Major Adjustment. Upon determination by the Director, the decision making authority will be either the Planning Commission or the Board of Design Review. The determination will be based upon the characteristics of the proposal and any other associated applications.
- C. Approval Criteria. In order to approve a Major Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Major Adjustment application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. Special conditions exist which are unique to the land, structure, or building involved.
  4. Granting the Major Adjustment will result in a project that equally or better meets the regulation to be modified.
  5. Granting the adjustment will not obstruct pedestrian or vehicular movement.

## 40.10.15.3.C.

6. The Major Adjustment will allow City designated scenic resources and historic resources, if present, to be preserved.
7. If more than one (1) Major Adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.
8. Any Major Adjustment granted shall be the minimum adjustment that will make possible a reasonable use of land, building, and structures.
9. The proposal incorporates building, structure, or site design features which compensate for adjusting the Site Development Requirement.
10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Major Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.



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**4. Major Adjustment - All Regional Center zones and South Tektronix Station Community Major Pedestrian Routes**

- A. Threshold. An application for Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be required when one or more of the following thresholds apply:
1. Involves an adjustment of more than 25% to a numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.B.3 or 20.20.60.E.3.
  2. Involves an adjustment to a non-numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.B.3 or Section 20.20.60.E.3.
  3. Involves multiple Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes applications.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes. Upon determination by the Director, the decision making authority will be either the Planning Commission or the Board of Design Review. The determination will be based upon the nature and characteristics of the proposal.
- C. Approval Criteria. In order to approve a Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.

## 40.10.15.4.C.

3. Granting the adjustment will equally or better meet the purpose of the District subarea requirement, standard or regulation to be modified.
4. The proposal will be consistent with the desired character of the area.
5. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.
6. City-designated scenic resources and historic resources are preserved.
7. Any impacts resulting from the adjustment are mitigated to the extent practical.
8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.70.

G. Expiration of a Decision. Refer to Section 50.90.

H. Extension of a Decision. Refer to Section 50.93.

